IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4998 of 1989

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MORAJ DUDH UTPADAK SAHKARI MANDLI LTD

Versus

VASANTALAL M SHAH

Appearance:

1. Special Civil Application No. 4998 of 1989

MR RN SHAH for Petitioner No. 1

MR A M DAGLI for Respondent No. 1

MR PM RAVAL for Respondent No. 2

MR HARIN P RAVAL for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 29/12/2004

ORAL JUDGEMENT

1. The petitioner herein has preferred this petition in order to quash and set aside the order dated 24/11/1988 passed by the Gujarat State Cooperative Tribunal (for short, "the Tribunal") in Appeal No.251 of 1987 and to restore the judgment and order dated 31/07/1987 passed by the Board of Nominees in Arbitration

Suit No.519 of 1985 (Old No.1950 of 1975).

2. The petitioner is a Society registered under the provisions of the Gujarat Cooperative Societies Act, 1961 (for short, "the Act") and respondents no.1 & 2 are the Secretary and Chairman of the Society respectively. The petitioner Society filed suit being Arbitration Suit No.519 of 1985 (Old No.1950 of 1975) u/s.96 of the said Act before the Board of Nominees, Anand for the recovery of Rs.37,887.94 from the respondents. The Board of Nominees passed award dated 31/07/1987 against the respondents. Feeling aggrieved by the said order, respondent no.2 preferred appeal being Appeal No.251 of 1987 before the Tribunal. The Tribunal by judgment and order dated 24/11/1988 allowed the appeal preferred by respondent no.2 herein. Hence, this petition.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. The Tribunal has recorded a finding that the conclusion arrived at by the Board of Nominees that the voucher at exh.81 was signed by respondent no.2 Chairman was false. It reversed the findings on the basis of which the Board of Nominees had decreed the suit. In my opinion, the order passed by the Tribunal is just and proper and no interference is required by this Court in this petition.

4. Hence, the petition is dismissed. Rule is discharged with no order as to costs.

(K. S. Jhaveri, J.)
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